

FILED
Clerk
District Court

MAY 18 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA) CRIMINAL CASE NO. 05-00023-001
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Plaintiff,))
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))
))
vs.))
JUAN ILISARI QUITUGUA))
))
))
Defendant.))
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On July 20, 2005, the defendant, Juan Ilisari Quitugua, appeared before the District Court of the Northern Mariana Islands on a Complaint filed in criminal case 05-00023-001, which charged him with Count I: Distribution and Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), Count II: Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and Count III: User in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(3). The defendant, represented by G. Anthony Long, pled not guilty to the charges. On May 12, 2006, the defendant waived Indictment and entered a Plea of Guilty to a Superseding Information which charged him with Count I: Distribution and Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), Count II: User in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(3).

On August 1, 2005, the defendant was released to pretrial conditions to include: post \$50,000 property bond; surrender passport and not obtain any passport; not leave the island of Saipan without written approval of the Court; avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, these persons will be identified by the Assistant U.S. Attorney and contact may be made only in the presence of the defendant's attorney and only for the purpose of preparing for trial; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from any use of alcohol;

Violation Report

Re: QUITUGUA, Juan Ilisari
USDC Cr. Cs. No. 05-00023-001
May 17, 2007
Page 2

refrain from use or unlawful possession of narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance, such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, refrain from obstructing or attempting to obstruct or tamper, in any fashion with the efficiency and accuracy of any prohibited substance testing or electronic monitoring; and participate in the home confinement program curfew component from 6:00 pm to 6:00 am. On May 12, 2006, the home confinement curfew with electronic monitoring was removed, but all conditions were reimposed.

Juan Quitugua completed the Substance Abuse Testing Program without incident on August 2, 2006, and has been participating in random and quarterly drug testing administered by the U.S. Probation Office. On April 25, 2007, he submitted to a random drug test which showed a presumptively high content of water. The specimen was sent to the laboratory for confirmation, and on May 1, 2007, confirmation was received of the abnormal levels of water in the urine. On May 4, 2007, this Officer confronted Mr. Quitugua about the diluted specimen, and he admitted to consuming an inordinate amount of water due to the nature of his work. He works as a dish washer for the Nikko Hotel. A random drug test was again conducted on May 4, 2007, which resulted in a presumptive positive for the drug ice. Mr. Quitugua was confronted with the results and he admitted to smoking ice on May 1, 2007. He signed an Admission of Drug Use form.

Juan Quitugua admitted that he needs help with his substance addiction. He signed a PS42 form, Consent to Modify Conditions of Release, to include that "The defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer." On May 4, 2007, the Defense Counsel G. Anthony Long was advised of Mr. Quitugua's drug use, and signed the Consent to Modify Conditions of Release to include the above new condition. On May 5, 2007, Assistant U.S. Attorney Timothy Moran was advised of Mr. Quitugua's drug use. Mr. Moran advised that the government will review the defendant's case as sentencing is pending in this matter.

Violation Report

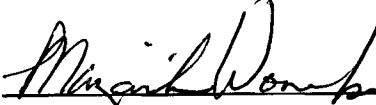
Re: QUITUGUA, Juan Ilisari
USDC Cr. Cs. No. 05-00023-001
May 17, 2007
Page 3

Based on the defendant's compliance to all other conditions of his release and his prior successful completion of the Substance Abuse Testing program, this Officer recommends the modification as submitted.

RESPECTFULLY submitted for the Court's information this 18th day of May 2007.

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:



MARGARITA DLG. WONENBERG
U.S. Probation Officer

Reviewed by:



ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Timothy E. Moran, Assistant United States Attorney
G. Anthony Long, Defense Counsel
File

United States District Court
District of the Northern Mariana Islands

United States of America

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vs.

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Juan I. Quitugua

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Case No: 05-00023-001

CONSENT TO MODIFY CONDITIONS OF RELEASE

I, Juan Ilisari Quitugua, have discussed with Margarita Wonenberg, Pretrial Services/Probation Officer, modifications of my release conditions as follows:

1. The defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

I consent to this modification of my release conditions and agree to abide by this modification.


Juan Ilisari Quitugua

5/4/07

Signature of Defendant


Margarita Wonenberg

5/4/07

Pretrial Services/Probation Officer

I have reviewed the conditions with my client and concur that this modification is appropriate.

G. Anthony Long

Signature of Defense Counsel

05-04-07

Date

The above modification of conditions of release is ordered, to be effective on _____



The above modification of conditions of release is **not** ordered.

Alex R. Munson

Honorable Alex R. Munson

Chief Judge

U.S. District Court of the Northern Marianas Islands

5-18-07

Date